

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REBECCA BROWN, *et al.*,

Plaintiffs,

v.

TRANSPORTATION SECURITY
ADMINISTRATION, *et al.*,

Defendants.

Civil Action No. 2:20-cv-64-MJH-LPL

JOINT DISCOVERY STATUS REPORT

The parties hereby jointly file the following status report on the status of outstanding discovery issues in the above-captioned case.

Following the previous status conference, the parties learned that Magistrate Judge Facciola is unavailable to serve as E-Discovery Special Master due to his other obligations. The parties have interviewed two additional candidates from this District's list of approved Special Masters and have jointly selected Cecilia R. Dickson to serve as E-Discovery Special Master. To that end, the parties have jointly drafted the accompanying proposed Order Appointing Special Master for E-Discovery for the Court's consideration and approval. Concurrently, TSA has also invited Ms. Dickson to apply for access to Sensitive Security Information (SSI), so that she may review SSI documents in the case, if necessary.

The parties have agreed on dates for TSA's remaining Rule 30(b)(6) depositions. TSA Security Operations Training Branch Manager Brandi Phillips will testify about additional training matters on September 20, 2022 via Zoom. TSA Senior Technical Advisor Domenic Bianchi will testify on October 19, 2022 in person at the offices of Plaintiffs' counsel.

The parties also continue to confer regarding custodians and search terms for e-discovery:

- With regard to field personnel, TSA has identified 324 people who have served in 349 positions as Federal Security Director (FSD) or Assistant Federal Security Director for Screening (AFSD-S) since January 2014. DEA is refining its list of approximately 90 people who have served as Group Supervisors for airport interdiction groups and has begun collecting the available emails for the periods in which each person served in that capacity. Defendants expect to propose statistical sampling of each agency's field custodians as the most efficient way to assess what these field managers said about the relevant policies (if anything) via email and are prepared to discuss various options for doing so with the E-Discovery Special Master.
- With regard to Plaintiffs' proposal to conduct additional searches of agency headquarters personnel, TSA has responded to Plaintiffs' proposal and DEA is preparing a response.
- Plaintiffs have also provided a proposed list of ESI search terms for each Defendant agency and Defendants are reviewing same. For example, DEA is testing variations of those search terms with mailboxes of custodians collected last year.

The parties anticipate making further progress on these processes with the assistance of the E-Discovery Special Master.

Finally, Plaintiffs plan to serve Phase II written discovery related to individual incidents at airports later this month.

Dated: September 7, 2022

/s/ Dan Alban

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2022, a true and correct copy of the foregoing document was served via electronic mail upon all counsel of record.

/s/ Dan Alban